

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ALEXANDER LUND,

Plaintiff,

vs.

**MICHAEL MATTHEWS, M.D.,
SIDNEY MEDICAL ASSOCIATES,
and CHEYENNE COUNTY
HOSPITAL ASSOCIATION, INC.,**

Defendants.

8:13CV144

ORDER

This matter comes before the court on the defendants' Motion for Extension of Time and For Order Compelling Production of Witnesses (Filing No. 47). The defendants filed an index of evidence (Filing No. 48) in support of the motion. The plaintiff did not respond to the motion.

In the motion, the defendants state they seek an extension of time to disclose expert witnesses and to take depositions. In addition, the defendants seek an order compelling the plaintiff to complete his deposition and produce other witnesses for deposition. The defendants state the plaintiff failed to participate in scheduling his deposition and those of his parents despite numerous attempts made by the defendants. The defendants prefer to complete this fact discovery prior to deposing the plaintiff's expert witnesses and disclosing their own expert witnesses. Although counsel for the defendants states he is unable to schedule a deposition without the court's assistance, such statement is simply untrue. In the correspondence filed with the motion, the plaintiff's counsel agreed to work to with the defendants' counsel to schedule the depositions. No dates were finalized, however the plaintiff did not refuse to schedule the depositions. Furthermore, conventions of courtesy suggest the parties will work together on mutually convenient deposition scheduling, Federal Rule of Civil Procedure 30 does not. **See** Fed. R. Civ. P. 30(b)(1). Under the circumstances it appears unnecessary to compel the witnesses' appearance because the proposed deponents have not refused to appear and there has been no notice of such depositions or subpoenas served. **See** Fed. R. Civ. P. 30(b), 45. Nevertheless, the defendants

have shown good cause exists for an extension of the expert disclosure and deposition deadlines. Accordingly,

IT IS ORDERED:

1. The defendants' Motion for Extension of Time and For Order Compelling Production of Witnesses (Filing No. 47) is granted, in part.

2. The deadlines to serve the opposing party with the statements required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness a party expects to call to testify at trial are extended. The defendants shall have until **June 30, 2014**. Rebuttal expert disclosures may be made not later than **July 23, 2014**.

3. The parties shall have until **July 30, 2014**, to complete depositions.

Dated this 13th day of May, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge